

ATLANTA'S PREJUDICE AS BITTER AS RUSSIA'S DECLARES ATTORNEY

Reuben R. Arnold, in the opening argument of the defense in behalf of a new trial for Leo M. Frank Friday afternoon in the library of the State Capitol, made a dramatic comparison of the Frank trial with the "ritual murder" trial now in progress in Keiff, Russia.

Attorney Arnold declared that as horrible as is that travesty on justice in Keiff, that in Atlanta last August was no less horrible. He made a bigger commentary upon the prejudice and mob spirit with which he said the defense was confronted at every turn.

"We have had to contend against two hydra-headed proposition," he said. "Prejudice and ignorance, the twin evils. We

have had to contend with the spirit of the mob. This is no idle dream, but a fact of which your honor is well aware. We have been so circumvented by prejudice and by hatred that their menacing influence has been constantly present in the court.”

“The civilized world has been horrified by what is going on in Kieff, Russia, but it is not much stranger than this trial which was enacted in our great city.”

A vigorous assault upon the character and reputation for truthfulness of men who swore against A. H. Henslee and Marcellus Johenning, jurors in the Frank trial, and an equally vigorous defense of the two men who are accused of bias and prejudiced, were made by Solicitor Dorsey Friday afternoon at the hearing on a new trial for Leo M. Frank in the library of the State Capitol.

C. P. Stough, of Atlanta, an agent for the Masonic Annuity, was one of those most bitterly attacked in the affidavits filed with the court by the Solicitor. H. L. Bennett swore that he was well acquainted with the character of Stough, and that he knew it to be bad. He declared he would not believe Stouch on oath.

Lou Castro, a ball player, who was one of the witnesses for the defense during the trial, signed an affidavit testifying that he knew Stough and Sam Aaron, the latter another of the defense’s affiants, and that he would believe neither upon oath.

W. P. Neil, who swore that witnessed one of the spectators in the courtroom grab a juror by the arm as the jurors were entering, was attacked in affidavits signed by W. E. Mote and R. H. McKenzie, who asserted that Neil’s character was bad and that they would not believe him on oath.

A number of affidavits submitted by the Solicitor testified to the good character of Henslee and Johenning. A long deposition by Henslee was read, in which the Frank juror categorically denied every charge of bias and prejudice made against him, and said that on June 2, when he was reported as being on a train

between Atlanta and Experiment Station, was in reality at least 200 miles from there.

Denounced Frank's Race.

There were many denunciatory references to Frank's race, and one affidavit charged Henslee with saying that if the jury ever turned him loose he would not get out of town alive.

Solicitor General Dorsey repeated at the hearing on a new trial for Leo M. Frank Friday his charges that friends of Frank and employees at the pencil factory had so concealed and withheld evidence during the murder mystery as to be conclusive indication that the defendant was the guilty person.

The defense was seeking to maintain its contention that the court was in error for allowing testimony and argument along this line when the Solicitor reiterated his belief. He said that the apparent unanimity with which friends and employees withheld information from the detectives made it convincing to join his mind that there was a virtual conspiracy to protect the defendant.

"I hold that I had a right to state what I thought," he declared to Judge Roan.

"Maybe the Solicitor had no rights in the matter, but I think he had. Let them put in their reasons exactly what I said. I'm willing to stand by it."

The hearing was delayed considerably by continuous squabbles over minor points in the wording and phrasing of the defense's reasons.

Attorney Arnold and Solicitor Dorsey, as soon as the hearing on a new Frank trial resumed Friday morning, were embroiled in an argument over the completeness with which the court stenographers had entered the objections of the defense during the trial.

Arnold maintained that the stenographers in many instances had entered in the record only the first objection made by a

lawyer for the defense and had disregarded the additional objections that might have been made during the subsequent argument, several of the court reporters merely designating the debate by the notation, "Attorneys argued question pro and con."

Lee's Testimony Again.

The point arose at the beginning of the review of reasons which were left unapproved from the first consideration. The defense maintained that the court erred in letting in the testimony of Newt Lee that Detective John Black had talked to him longer than Frank, the inference be Frank was not seeking to get the truth from the negro. Arnold contended that objection had been made at the time on the ground that it was immaterial, irrelevant, illegal, prejudicial and a mere conclusion.

Dorsey retorted that the only objection made then was that it was not in rebuttal. At this juncture, Attorney Arnold made the charge that the stenographers at times got only one part of the objection, missing what might be made in the course of the following argument. Stenographers Teitlebaum and Freer were called and sworn. Teitlebaum testified that he reported the arguments of counsel in full and later "boiled them down," retaining all the objections.

Freer said that he omitted the arguments, but made record of all ob-

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**DEFENSE LAWYERS
AND**

DORSEY READY TO BEGIN FINAL REHEARING BATTLE

Continued From Page 1.

jections, unless one chanced to slip by him, as rapidly as they were made. The disputed reasons were approved after slight revision.

Object to Word "Employ."

For nearly an hour the attorneys wrangled over the using of the word "employed" in one of the reasons. The defense held that the court had erred in permitting over the objections of the defendant the testimony of Detective Black that Frank had employed counsel the Monday morning after the crime.

Dorsey objected to the wording, saying that there was nothing in the record to warrant the use of "employed." After this one word had deadlocked proceedings as effectually as a difference over an extremely vital point, a compromise was reached by revising the paraphrase of Black's evidence to read that Frank "had" counsel the Monday morning after the murder.

J. W. Coleman, stepfather of the murdered Mary Phagan, was an interested spectator at part of the morning session. He was on hand when the hearing opened, and remained listening intently to the debate of opposing council until the middle of the forenoon.

Starnes and Black Present.

Detectives Starnes and Black, who were assigned to Solicitor Dorsey to work under his direction on the investigation into the Phagan murder mystery, have been in constant attendance since the hearing began Wednesday.

Frank's lawyers sprang a surprise in the last of their long string of reasons, holding that by the State's theory Jim Conley was an accomplice and that his testimony therefore could not be accepted except as corroborated by the circumstances of by another witness. The Solicitor remarked that he had not considered this proposition, but would be prepared to talk on it later in the hearing.

The reason charged that the court erred in not instructing the jury that if they believed from the evidence that Conley watched for Frank at the pencil factory door, and that his purpose in watching was to protect Frank in the commission of acts which constitute a felony in the State of Georgia, then Conley, as to any alleged murder committed in the progress of any such attempt to commit the acts that were described by the negro, would be an accomplice, and the jury could not give him credence unless he was corroborated by the facts and circumstances or by another witness.

The announcement that the temper of the crowds about the courthouse on the closing days of the trial was such that grave fears were entertained for the safety of Frank was one of the interesting disclosures of the hearing. Attorney Luther Rosser, chief of counsel for Frank, asserted that they would have "eaten the defendant alive" if he had gone out among them on the day the verdict was rendered, particularly if an acquittal had been brought in.

Take Advantage of Absence.

Solicitor Dorsey contended that the defense had waived the presence of Frank in the courtroom at the time the verdict was rendered and now were taking advantage of it to claim that their client would have been mobbed or lynched had he been there,

when, as a matter of fact, there was no way of proving that Frank might have received not even a hostile demonstration.

A warm dispute arose over this contention, during which it developed that the court was adjourned in the midst of Dorsey's concluding argument Saturday noon to permit the intense feeling to subside, and that later Frank's presence at the rendering of the verdict was waived by his attorneys at the suggestion of Judge Roan himself. Judge Roan had been addressed by the editors of the three Atlanta newspapers, militia officials and the chief of the police department, and urged, it was claimed, to take every precaution for the safe-guarding of the prisoner, against whom there was unmistakably hostile sentiment.

The hostile sentiment against Frank was emphasized in many of the reasons advanced for a new trial. To most of them Judge Roan certified as they were submitted. The trial was taken from its outset, and note made of every outbreak inside and outside the courtroom. The ovations received by Solicitor Dorsey were described minutely, and the occasions of applause and cheering inside the courtroom when Dorsey scored a point were stressed repeatedly.

Crowd Gets Signal.

Attention also was called to the jeers and derisive laughter that met many of the arguments of Frank's lawyers. From first to last, Frank's counsel contended, it was most evident that the defendant was not obtaining the fair and impartial trial guaranteed by law. The jury was coerced into giving a verdict of guilty and would have dared give no other verdict, according to the defense.

The climax, according to the reasons accompanying the motion for a new trial, came when the verdict was tendered. Apprehensive of the misconduct of the crowd, Judge Roan had cleared the courtroom before the jurors entered to submit their verdict.

While the verdict was being rendered the crowd was signaled that Frank had been declared guilty, and an instantaneous shout went up from the large concourse of persons outside the courtroom, causing a disturbance so great. Judge Roan certified that he had some difficulty in hearing the polling of the jury.

A crowd of shouting, cheering men met Dorsey as he emerged victorious from the courtroom, and as he made his way across the street toward his offices, members of the throng caught him up and carried him on their shoulders. This, Frank's lawyers commented, was an impressive illustration of the temper of the crowds about the courthouse.

Judge Roan's charge to the jury was carefully reviewed and several points in it picked out to employ as grounds for a new trial. The court was represented to be in error for failing to charge the jury as to the weight that should be given the testimony of Conley, who confessed on the stand that he several times previously had sworn falsely. The judge was accused of leaving the credibility of witnesses of this sort entirely to the jurors.

Wrong Conclusions Drawn.

The court also was said to be in error because he had permitted Solicitor Dorsey and Attorney Frank Hooper in their arguments to draw unwarranted conclusions, after these conclusions had been objected to by Rosser and Arnold. One of the instances cited was Hooper's charge that the failure of the defense to cross-examine the girl witnesses put on the stand by the State was a tacit admission that Frank was guilty of immoral acts and practices to which the witnesses had alluded broadly.

A similar argument was made by Solicitor Dorsey, who maintained that because the defendant's wife failed to visit him for some time after he was taken to the Tower she had the consciousness of his guilt in her heart.

Arnold, in speaking in defense of another reason, resented the innuendo contained in the Solicitor's declaration that "I

wouldn't be surprised if the family physicians of some of you jurors had been called to testify on the stand," the implication being that Frank's lawyers shrewdly had engaged the jurors' family physicians in order that their testimony might have more influence, although they were not experts on the particular line of evidence before the court.

Warrant for Fisher Received From Dalton.

A warrant for Ira W. Fisher, the "mysterious witness" in the Frank case, charging murder, was received at the Sheriff 's office Friday morning from the authorities of Dalton.

In addition to the warrant, request was made that the authorities at Dalton be notified immediately when the Atlanta authorities are through with Fisher.

According to a statement Friday morning of J. C. Shirley, the man accused by Fisher, the criminal libel charge sworn out against Fisher probably will be withdrawn. The hearing was set for Saturday before Justice Puckett, but this probably will be cancelled so that the Dalton authorities may have the custody of Fisher immediately. Chief Lanford declared Friday he also was in favor of turning Fisher over to the Whitfield authorities.

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**PDF PAGE 2, COLUMN 1
ARNOLD ARRAIGNS FRANK
TRIAL CROWD**

PDF PAGE 2, COLUMN 7

**RUSSIAN
PERSECUTION
OF JEWS CALLED
MORE**

**JUST THAN
FRANK CASE**

Reuben R. Arnold, of counsel for Leo Frank, resumed an address ringing with denunciation of the conditions under which

Frank was convicted of the murder of Mary Phagan, when the hearing on a new trial re-convened Saturday in the library of the State capitol.

He uttered a scathing arraignment of the mob spirit which he declared had overawed the jurors and made impossible any other than that of guilty. No victim persecution in Russia, he asserted, ever had suffered more unjustly than Leo Frank.

The attorney drew a dramatic comparison of the Frank trial with that of Mendel Beiliss, the Russian Jew, whose trial in Kiev on the charge of "ritual murder" has aroused the civilized world. As outrageous and horribly unjust as everyone concedes the charges against Beiliss, Arnold maintained they are surpassed in this respect by the accusations on which Frank had been convicted.

Frank's attorney was to be followed by Solicitor Dorsey, representing the State. The defense having the burden of proof, has the last argument. Luther Z. Rosser, chief of counsel for the defense, will make this argument. It was regarded as probable that all of the addresses would be concluded by evening, and that the fight would be in the hands of Judge Roan for decision.

Responsibility on Judge.

"It takes thirteen jurors to murder a man in cold blood in Georgia," exclaimed Arnold, addressing the court. "The trial judge has to approve the verdict brought in by the twelve jurors. This puts a terrible responsibility onto the judge. With his superior experience and his thorough knowledge of law, he is in a much better position to weigh accurately intelligently the evidence which has been submitted.

"A judge once said that it was up to the jury to decide whom to believe, but the Superior Court did not approve this evasion of plain duty on the part of the trial judge."

"This is a most unusual case. There have been murders before and there will be after this. The example of Cain will be followed until the end of time. You may pick up the newspapers

any day and read of these crimes. They do not mitigate this murder in the least. The crime at the pencil factory was atrocious as any in the history of the State.”

“But the intense feeling over this crime grows out of something else than its mere atrocity. You have got to hunt down under the surface but you have to scratch down just a little before you find that it is the same old cause that has run down through the ages.”

Cites Russian Trial.

“About the only parallel in recent times is going on to-day in the holy city of Kiev, Russia, where they are trying Mendel Beiliss, a Russian Jew, for the ‘ritual murder’ of a 13-year-old boy. It’s a case on which the civilized world looks aghast and with horror. Everyone knows that it’s all a lie and a diabolical persecution. The boy was killed. There is no doubt of that. But that he was killed by Beiliss as a victim of the so-called ‘ritual murder,’ which, as a matter of fact, exists only in the imagination of the persecutors of the Jews, is an infamous lie, as the world knows.”

“As strange as is this travesty on justice in progress in Kiev, Russia, it is no stronger than the trial which was enacted in our own city of Atlanta last August. The charges are no more ridiculous and fantastic than those brought against this young man here.”

“We have had to contend against two hydraheaded propositions which confront us at every turn—prejudice and ignorance—the twin evils. We have had to contend with the spirit of the mob. This is no idle dream. It is a fact of which your honor is well aware.

Courts, Not Public, to Judge.

“The courts are organized to experts, not the public. The public doesn’t hear the whole thing thrashed out. They are not in a position to appreciate the merits of a case, no matter how much they want to do the right thing. The law is receiving a

critical test right now. I've trembled more for the law than ever before. I have thought that the law has been more on trial than Leo Frank."

"We have been so circumvented and hedged about by hatred and prejudice that their influence constantly has been felt in the courtroom where a man was guaranteed a fair and impartial trial. The day when such a condition can not exist will come soon. It's here now with the enlightened citizens of the State and even somewhat with the benighted."

"We've got the best people on earth right here in this Southland. We really are the only American people. It will not be long before we are completely divested of all this prejudice, but this time, I am sorry to say, is not yet here, if one may judge by what occurred at the courthouse during the trial last August, when mobs were pushing their way into the courtroom to misbehave, when people rejoiced and smiled and threw up their caps in delight because a man was condemned to death."

"I don't believe there is another case on record that a wretch confessed to witnessing the commission of a crime against nature and lied in each of four successive affidavits on material points in his story, where his evidence would have been taken against that of a sheep-killing dog."

Conley's Evidence All.

"Yet, you would believe the infamous lies told against this man now under a sentence of death in the Tower. You would believe the charge of perversion, as base a lie as ever was heard in a courtroom. The revolting story created an impression of truth though it was the greatest strain ever put upon the credulity of a civilized and law-abiding people."

"I ask your honor: Outside the testimony of that miserable wretch, Conley, would there be any pretense of having enough evidence to convict Leo Frank? Would you do anything more than pick up your pen to grant a new trial? Would you have done anything else than discharge the jury from their box?"

“Then, what is there to constrain you to act differently than in any other case? Would anyone hesitate a minute? In an ordinary case, the inflammatory speech of Mr. Dorsey

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**FRANK
VERDICT
PERSECUTI
ON,**

SAYS ARNOLD

**Russian Outrages on
Jews Sur-**

**passed by Atlanta
Case, He**

**Declares to
Judge Roan.**

Continued From Page 1.

would have disgusted the court and the spectators. The jury would have returned a verdict of not guilty without leaving their seats. Why was it different in this case?

“Have we taken leave of our senses? On as flimsy a fabrication as ever if so, a man was condemned to death was devised. No man in darkest Russia ever suffered more unjustly, I would not have believed it.”

“Lies From Beginning.”

“Lies were circulated from the first. It is not pleasant to admit it, but falsehood travels faster than truth. People like to believe the unusual, the strange, the revolting. Lies were sworn to that make me shudder. But the prince of all the liars was Conley. If that black wretch had any conscience, he someday would confess. But there’s no wolf, no bear, no hyena as devoid of conscience as that ‘nigger.’ A man never had a better opportunity than was given him to shift the crime he had committed onto the shoulders of another. All he had to do was to answer the leading questions that were fired at him by the detectives. Why, Detective Scott testified that they even went so far as to point out the weak points in his weird tale and he forthwith patched them up.”

“He made one affidavit. Then he made another, another and still another, each one differing from the one that preceded. There were the four affidavits and then came the seven interviews with the Solicitor to which the negro admitted on the stand. And when he came to testify, his story no more compared with that fourth affidavit—his finale, true, unalterable statement—than anything in the world.”

“Is your honor going to believe that monstrous fake, or will you say that it, at least, is so incredible that you will not forever pass on it by affirming the verdict, but, instead, will grant a new trial?”

“At the outset, nothing was found against Frank. Nothing would have been found against him had he not voluntarily offered the information that he was in the factory at 12 o’clock and that Mary Phagan came in to get her pay from him.”

“It was not until many days after that the State’s own witness admitted that he was there, and many others had the opportunity to be in the factory at the time without the knowledge of anyone else. The detectives had a few facts that amounted to

nothing. Instead of using the facts to corroborate or disprove Conley's story, they fixed up his story to fit the facts."

"The most remarkable story that negro told came a the last as a climax. In none of the four affidavits had Conley said anything about the purse of Mary Phagan. To reporters and others he had denied ever seeing it. He was on the stand for hours under the direct examination of Solicitor Dorsey and never mentioned it. He was under the cross-examination of Mr. Rosser two days and there never was a hint that he had seen it."

"Finally, when Mr. Dorsey had him on the redirect, he said: 'Well, what about the purse, Jim?' and Jim said: 'Oh, yes, I seen it laying on Mr. Frank's desk and he taken it and put it in the same.'"

Says He DID Break Conley Down.

"Some people have said: 'Why didn't you break Conley down?' The ignorance of some persons is astounding. They think that in order to break a witness down you have to make him collapse on the stand. They think that in order to discredit a witness you have to knock him down from the witness chair as you would with an ax, but if any intelligent person will look at the mass of conflicting statements made by Conley, his palpable lies and his instant loss when he was asked about anything in which he had not been drilled, they will see whether or not he was broken down. If there is a lame place in the jury system it is in the gullibility of the ordinary run of human beings; it is in the ease with which a jury may be hoodwinked and the ease with which a fraud may be put over them.

"So plastered over with lies and contradictions was the negro that it's monstrous to say that he was discredited. Had he not been taken away from the jail to the police station, where he was drilled in his fantastic tale, his fabrications would have been still more apparent."

Scores Prosecutor Dorsey.

“If Leo Frank is hanged, I had rather be Leo Frank dead and in my grave than to be in the place of Hugh Dorsey who sent him there. It is certain that he led the jury off the track, blinded their eyes with prejudice and the innuendo and accusation of every crime on the calendar. Up to the murder never a charge had been made against the defendant. The evidence rose up out of the miasma of prejudice and came to confront us hydra-headed throughout the trial.”

“When I think of the thirst for blood, the joy that fills people’s hearts to see some man swing from the gibbet, I feel ashamed for this part of the human race. When man gets worked to into a frenzy of hatred, he is the most venomous animal in the world.”

Attorney Arnold was interrupted in his address by the closing of the hearing. Before he concluded he charged that the controversy between Attorney Thomas B. Felder and Chief of Detectives Lanford had more to do with the stirring up of prejudice against Frank than any other single incident during the investigation.

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PDF PAGE 3, COLUMN 1

**ARNOLD COMBATS
STATE’S THEORY**

PDF PAGE 3, COLUMN 7

TIME OF SLAYING AS SHOWN BY DORSEY NOT POSSIBLE, IS CHARGED

Reuben Arnold, for the Frank defense introduced his address when he resumed the fight for a new Frank trial Saturday, by a number of legal citations showing the discretion and duty of a judge to grant a new trial in the event that there exists any vestige of doubt as to the warrant for the jury's finding or that it is apparent that the verdict was reached through some possible error, mistake or from some bias or feeling.

From this Arnold argued that no course was left open for Judge Roan but to grant a new trial.

"In every case where your honor refuses a new trial," the lawyer said, "he approves the verdict. If your honor refuses a new trial, we are forever shut off from entering into the facts of the case. All that we can do is to argue on some error that was committed in the course of the trial."

“If this case is as strong as the Solicitor represents: if it is founded bottom; if it is a genuine case, and not a ‘frame-up’; if it is based on fact and not on perjury, then it surely can stand a new trial.”

That a change of venue will be demanded in the event a new trial is granted was made evident by Attorney Arnold’s comment that no harm could result from a new trial “Where the surroundings are better and where the chance to get justice is better.”

Returning to the theme of “mob spirit,” which he discussed at length Friday, Attorney Arnold said:

“Men came to that trial with their minds poisoned. Had this trial come up as a new proposition and had the jurors and spectators come with open minds, I doubt if much time would have been taken in finding a verdict of not guilty.”

“Whole Case Hinges on Conley.”

“The whole case stands or falls on Conley’s story. The negro declared that Frank asked him on Friday to come and watch for him on Saturday. But there was no evidence that he knew Mary Phagan was coming for her pay Saturday. It was more natural to suppose that she would come Monday. And there is no evidence that Frank had an appointment with any other woman on that date. So, Conley’s story of being asked to come and watch for Frank on Saturday, when as a matter of fact he was planning to go to the ball game, was the flimsiest fabrication. Conley tried to make us believe he had an appointment to watch for Frank when there was no one to watch for.”

“After telling one story in which he denied being at the factory on Saturday, Conley was finally brought around to admit he was there. He had feared being known as being at the factory on the day of the crime because he knew he would be charged with the murder, but the impossibilities of his tale led the detectives to change it for him.”

Conley as a Watchman.

“But let us see what kind of a watchman he was. He sat there at the foot of the stairs and says he saw this little girl. Mary Phagan, go upstairs. And then, if I recall the testimony, he heard a girl’s scream. He must e known something was wrong. Yet, when Monteen Stover came, he let her go right upstairs. A fine watchman he was! Of course, he never was on watch. If he had been, he never would have let the Stover girl go to the second floor. It was a monstrous and grotesque lie!

“We’ve established beyond doubt that Mary Phagan could not have arrived at the factory before 12:10 or 12:12 1-2. The physical facts show that Leo Frank could not have committed the crime.”

Analyzes Time Element.

“Did you ever see such an assault upon the facts of the case as was made by the State. They did not convict the man on the facts, but on what may have been the facts. Their whole case falls to the ground if Mary Phagan got in town between 12:07 and 12:10.”

Judge Roan interrupted at this point to ask why the case would fall.

“I’ll tell you why, your honor,” retorted Arnold. “It is because their star witness, Jim Conley, testified that Mary Phagan went into the factory before Monteen Stover, and Monteen Stover entered the factory at 12:05. She looked at the clock. She stayed there until 12:10. But before all this, according to Conley, Mary Phagan had come in and had been there quite a while. She had gone into Frank’s office. She and Frank, Conley says, had gone back to the metal room. Then Conley testified that he heard a scream. All this occurred, by the State’s theory, before Monteen Stover entered at 12:05. Yet the State’s own witness, George Epps, declared that he rode to town with Mary Phagan and that they didn’t get off the street car until 12:07. I don’t know whether Epps ever rode with the Phagan girl that day, but, granted that he

did, for his testimony as to time is corroborated by the defense's witnesses, the motorman and conductor of the car, Mary couldn't have arrived at the factory before 12:10 or 12:12. By this time Monteen Stover had come and gone, and the State's case falls."

Says Negro Composed Notes.

Attorney Arnold took up one by one other important points in the trial and asserted he had demonstrated that he had established that it would have been impossible for Frank to have killed Mary Phagan at the time the State held the murder took place and that he also had established that Frank had left the factory long before the moving of the body could have been completed as described by Conley.

Judge Roan again interrupted Attorney Arnold to ask him to take up the matter of the notes found by the body of the dead Mary Phagan.

The lawyer said that if, as Conley maintained, Frank planned to have the body burned, he never would have had the notes written. They would have been absolutely purposeless with the body out of the way, Arnold asserted.

The lawyer also contended that the language was distinctively negro dialect, particularly the expression "lay down play like the night witch did

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FRANK VERDICT PERSECUTI ON, SAYS ARNOLD

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it." The expression "by hisself," Arnold said, had been found in the negro's testimony 92 times.

Responsibility on Judge.

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"I ask your honor: Outside the testimony of that miserable wretch, Conley, would there be any pretense of having enough evidence to convict Leo Frank? Would you do anything more than pick up your pen to grant a new trial? Would you have done anything else than discharge the jury from their box?"

"Then, what is there to constrain you to act differently than in any other case? Would anyone hesitate a minute? In an ordinary case, the inflammatory speech of Mr. Dorsey would have disgusted the court and the spectators. The jury would have returned a verdict of not guilty without leaving their seats. Why was it different in this case?"

PDF PAGE 4, COLUMN 1

**FRANK VICTIM OF PLOT,
SAYS ARNOLD**

PDF PAGE 4, COLUMN 1

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They Were a Pack of Wolves Thirsting for Blood, Frank Lawyer Tells Court.

His language mounting in bitterness as he progressed, Reuben R. Arnold took up again Saturday afternoon the argument in behalf of a new trial for Leo M. Frank, on which he had been engaged since the middle of the afternoon Friday at the hearing in the State Capitol.

His reasons and narration of the facts of the case repeatedly were illumined by blazes of wrathful denunciation of the manner in which the case against Frank had been conducted by Solicitor General Dorsey, and of the "scowling, vicious crowd" which he represented as crying like ravening wolves for the life of the defendant.

"All the Solicitor had to do," he shouted, "was to pour blood down their throats and they were satisfied."

He charged Dorsey with playing to the grandstand; with corrupting and warping the evidence so as to draw the most ridiculous and fantastic conclusions with which to pull the jurors, and with being a party to the gigantic conspiracy to send an innocent man to the gibbet.

“The jury,” he observed, “was perfectly willing to swallow anything—the more improbable and grotesque, the better. No evidence was worth a bauble before that scowling, vicious mob. They were pack of wolves thirsting for blood.”

Says Dorsey Misrepresented.

The Solicitor, he asserted, had permitted himself to state as facts things which were not in the record and had commented on them in his argument, distorting and misrepresenting and misinterpreting circumstances in a manner inexcusable for one who was seeking to assist in the administration of justice.

“Did you ever hear of a case,” Arnold asked, “where so many outside things entered to dam a man? The Solicitor was willing to use any means, no matter how unfair, to convict this man. Russia isn’t much worse than this. The Solicitor was a party to the inquisition which was forced on Minola McKnight. Illegal methods were used to get this hysterical negro woman to agree to the horrible story her husband had fixed up. And this was after the Solicitor already had one affidavit from her in which she denied every detail of that fabrication of her husband’s.”

“The Solicitor defiantly admitted that he did it and was proud of it. But he and the detectives committed a crime against her so great that if she had taken a pistol and killed every one of them, manslaughter would have been the worst charge that could have been lodged against her.”

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“Why, before some juries, a tramp has a better chance of justice than a man of moderate means and unimpeachable reputation. It has come to a pass that a man of means is worse off in a court of justice than a bum and a tramp, so fearful are juries of public opinion.”

“The attitude of the prosecution

Continued on Page 2, Column 5.

**‘RAVENOUS
MOB’
ARNOLD
CALLS
TRIAL
CROWD**

Continued From Page 1.

throughout the case has been an open bid to those who hate respectability and honor and who are envious of success to come and appear as witnesses.

Mr. Arnold made a thorough review of every phase of the mystery, entering into the merits of the testimony of the various

witnesses with almost the same detail as at the trial. He scoffed at the idea that the murderer could be any other than Conley, and marshalled the facts of the case in imposing array to support his contention.

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He declared that the so-called blood spots on the second floor, which were used to help out the State's theory that Mary Phagan was killed on that floor by Frank, were a fraud and a fake. Three of the spots, he said, found by the State's own witness, an expert chemist, not to be of blood, and the fourth had four or five corpuscles which might have been caused by an eightieth part of an ordinary drop of blood, and might have been made three or four years before.

Solicitor Dorsey was to follow Arnold, Attorney Rosser will close for the defense. It is unlikely that the hearing will conclude before Monday afternoon.

That a change of venue will be demanded in the event a new trial is granted was made evident by Attorney Arnold's comment that no harm could result from a new trial "where the surroundings are better and where the chance to get justice is better."

Returning to the theme of "mob spirit," which he discussed at length Friday, Attorney Arnold said:

"Men came to that trial with their minds poisoned. Had this trial come up as a new proposition and had the jurors and spectators come with open minds, I doubt if much time would have been taken in finding a verdict of not guilty."

"Whole Case Hinges on Conley."

"The whole case stands or falls on Conley's story. The negro declared that Frank asked him on Friday to come and watch for him on Saturday. But there was no evidence that he knew Mary Phagan was coming for her pay Saturday. It was more natural to suppose that she would come Monday. And there is no evidence

that Frank had an appointment with any other woman on that date. So Conley's story of being asked to come and watch for Frank on Saturday, when as a matter of fact he was planning to go to the ball game, was the flimsiest fabrication. Conley tried to make us believe he had an appointment to watch for Frank when there was no one to watch for."

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"But let us see what kind of a watchman he was. He sat there at the foot of the stairs and says he saw this little girl, Mary Phagan, go upstairs. And then, if I recall the testimony, he heard a girl's scream. He must have known something was wrong. Yet, when Monteen Stover came, he let her go right upstairs. A fine watchman he was! Of course, he never was on watch. If he had been, he never would have let the Stover girl go to the second floor. It was a monstrous and grotesque lie!

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"Did you ever see such an assault upon the facts of the case as was made by the State. They did not convict the man on the facts, but on what may have been the facts. Their whole case falls to the ground if Mary Phagan to in town between 12:07 and 12:10."

Judge Roan interrupted at this point to ask why the case would fall.

“I’ll tell you why, your honor,” retorted Arnold. “It is because their star witness, Jim Conley, testified that Mary Phagan went into the factory before Monteen Stover, and Monteen Stover entered the factory at 12:05. She looked at the clock. She stayed there until 12:10. But before all this, according to Conley, Mary Phagan had come in and had been there quite a while. She had gone into Frank’s office. She and Frank, Conley says, had gone back to the metal room. Then Conley testified that he heard a scream. All this occurred, by the State’s theory, before Monteen Stover entered at 12:05. Yet the State’s own witness, George Epps, declared that he rode to town with Mary Phagan and that they didn’t get off the street car until 12:07. I don’t know whether Epps ever rode with the Phagan girl that day, but granted that he did, for his testimony as to time is corroborated by the defense’s witnesses, the motorman and conductor of the car. Mary couldn’t have arrived at the factory before 12:10 or 12:12. By this time Monteen Stover had come and gone and the State’s case falls.”

PDF PAGE 5, COLUMN 1

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**ATTACK
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Attorney Arnold, for Frank, Says Juror Planned to Get on Panel to Hang Accused.

The charge that A. J. Henslee in cold blood lay in wait to get on the jury that convicted Leo M. Frank was made by Reuben Arnold Saturday afternoon in the motion for a new trial in the library at the State Capitol. Immediately after his sensational charge the hearing adjourned until Monday morning. This was at 3:45 o'clock.

"He got there for no other purpose than to convict Leo M. Frank, if we are to believe the evidence put in by these affidavits," declared the attorney. "I do not know Henslee. I don't know that I ever saw him before the trial. I am arguing only from what these people in Atlanta, Smyrna, Monroe and Albany have sworn that he said against Frank before the trial."

Arnold's reasons and narration of the facts of the case repeatedly were illumined by blazes of wrathful denunciation of the manner in which the case against Frank had been conducted by Solicitor General Dorsey, and of the "scowling, vicious crowd" which he represented as crying like ravening wolves for the life of the defendant.

“All the Solicitor had to do,” he shouted, “was to pour blood down their throats and they were satisfied.”

He charged Dorsey with playing to the grandstand; with corrupting and warping the evidence so as to draw the most ridiculous and fantastic conclusions with which to pull the jurors, and with being a party to the gigantic conspiracy to send an innocent man to the gibbet.

“The jury,” he observed, “was perfectly willing to swallow anything—the more improbable and grotesque, the better. No evidence was worth a bauble before that scowling, vicious mob. They were pack of wolves thirsting for blood.”

Says Dorsey Misrepresented.

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“The attitude of the prosecution

Continued on Page 2, Column 5.

PDF PAGE 10, COLUMN 5

**‘RAVENOUS
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Solicitor Dorsey was to follow Arnold, Attorney Rosser will close for the defense. It is unlikely that the hearing will conclude before Monday afternoon.

That a change of venue will be demanded in the event a new trial is granted was made evident by Attorney Arnold's comment that no harm could result from a new trial "where the surroundings are better and where the chance to get justice is better."

Returning to the theme of "mob spirit," which he discussed at length Friday, Attorney Arnold said:

"Men came to that trial with their minds poisoned. Had this trial come up as a new proposition and had the jurors and spectators come with open minds, I doubt if much time would have been taken in finding a verdict of not guilty."

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"The whole case stands or falls on Conley's story. The negro declared that Frank asked him on Friday to come and watch for him on Saturday. But there was no evidence that he knew Mary

Phagan was coming for her pay Saturday. It was more natural to suppose that she would come Monday. And there is no evidence that Frank had an appointment with any other woman on that date. So Conley's story of being asked to come and watch for Frank on Saturday, when as a matter of fact he was planning to go to the ball game, was the flimsiest fabrication. Conley tried to make us believe he had an appointment to watch for Frank when there was no one to watch for."

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Judge Roan interrupted at this point to ask why the case would fall.

“I’ll tell you why, your honor,” retorted Arnold. “It is because their star witness, Jim Conley, testified that Mary Phagan went into the factory before Monteen Stover, and Monteen Stover entered the factory at 12:05. She looked at the clock. She stayed there until 12:10. But before all this, according to Conley, Mary Phagan had come in and had been there quite a while. She had gone into Frank’s office. She and Frank, Conley says, had gone back to the metal room. Then Conley testified that he heard a scream. All this occurred, by the State’s theory, before Monteen Stover entered at 12:05. Yet the State’s own witness, George Epps, declared that he rode to town with Mary Phagan and that they didn’t get off the street car until 12:07. I don’t know whether Epps ever rode with the Phagan girl that day, but granted that he did, for his testimony as to time is corroborated by the defense’s witnesses, the motorman and conductor of the car. Mary couldn’t have arrived at the factory before 12:10 or 12:12. By this time Monteen Stover had come and gone and the State’s case falls.”

PDF PAGE 5, COLUMN 3

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Who**

**Accused
Shirley, to**

Answer Old Charge

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Fisher is required in Dalton by the reopening of a former indictment against him for the slaying of his brother-in-law. A warrant for his arrest on the charge of criminal libel, sworn out by Shirley, is in the hands of the Atlanta police, to be used in the event Fisher is not held on the Dalton charge.

PDF PAGE 6, COLUMN 4

**JURYMAN
IS**

ATTACKE D AS PLOTTER

**Attorney Arnold, for
Frank, Says**

**Juror Planned to Get
on Panel**

**to Hang
Accused.**

A recess in the hearing on a new trial for Leo M. Frank was taken at 3:45 o'clock Saturday afternoon as Attorney Reuben Arnold was in the midst of a scathing denunciation of A. H. Henslee, who, the lawyer declared, had lain in wait in cold blood to get on the jury that he might use his influence in convicting the defendant.

"He got there for no other purpose," asserted the lawyer. "The affidavits show that Henslee deliberately went into the jury box with his mind poisoned against Frank and that the virus of his prejudice very easily might have spread to other members of the jury."

Attorney Arnold laid great stress upon the fact that a great outbreak of cheering and shouting had taken place about the courtroom before the polling of the verdict had been completed. He declared that Judge Roan under the law must give the defendant a new trial on this ground. If there were no others to be considered. He held, and read legal citations to support his contention, that a verdict is not complete until every man has been polled and that the verdict was vitiated "by the savages who stood outside on the street and shouted and cried for blood and leaped with joy because a man was to be condemned to death."

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“The attitude of the prosecution

Continued on Page 2, Column 5.

PDF PAGE 10, COLUMN 5

‘RAVENOUS MOB’ ARNOLD CALLS TRIAL CROWD

Continued From Page 1.

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PDF PAGE 8, COLUMN 5

**FRIENDS TO
DINE
JUDGE
NEWMAN,**

WHO IS 70

Federal Jurist Yields to Request

to Continue on the Bench

Indefinitely.

So far as it is known, no gigantic cake, with candles threescore and ten, will salute with its flickering rays the guest of honor at the Capital City Club Saturday night, when Judge William T. Newman sits down among his friends to celebrate his seventieth birthday.

But there will be 250 of his friends there, and the flickering light of all the well-meaning candles may easily be eclipsed by the warm and steady radiance of friendship and real admiration and esteem.

The chances are Judge Newman won't miss the birthday cake, even if it isn't there.

The big birthday dinner planned by so many friends of Judge Newman commemorates not only the jurist's achievement of the Scripturally commended anniversary, but also an unusually long and well-spent career on the Federal bench. Judge Newman has served for more than 30 years. Recently he became entitled,

under the Federal provisions, to retire from the bench on full pay, but at the urgent request of many of the lawyers practicing in the United States District Court over which he presided, supplemented by the similar request of a great number of citizens of this district, he decided to waive this privilege indefinitely and to continue in the service.

At the dinner Saturday night Albert Howell is to act as toastmaster, the first toast of the evening being, of course, "To the President of the United States."

Other toasts will be responded to, as follows:

"Our Honored Guest," Eugene Black; "The State of Georgia," Governor Slaton; "The Judiciary," Judge J. H. Lumpkin; "The United States District Court of the Northern District of Georgia," W. A. Charters, of Gainesville; "Comrades of Long Ago," Colonel R. J. Lowry; "Fellow Citizens," Captain J. W. English; "The Atlanta Bar," Reuben R. Arnold.

PDF PAGE 8, COLUMN 7

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PDF PAGE 13, COLUMN 5

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PDF PAGE 27, COLUMN 1

MAYOR APPROVES NEW FACTORY LAW

Mayor Woodward has approved the Ashley ordinance regulating sanitation and health in factories where women and girls are employed, and the Board of Health will be notified at its next meeting to enforce the law.

Councilman Claude L. Ashley, father of the ordinance and ex-officio member of the Board of Health, said Friday that recent strike at the Fulton Bag and Cotton Mills revealed the need on the part of the city officials to study factory conditions and that an investigation of all plants in the city would be immediately begun.

“When the Board of Health meets, I am going to inform the members that I will make a personal investigation of factories where women are employed,” he said. “I anticipate a special committee will be appointed to make an official probe.”